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# **Notice of Allowability**

**Application No.**

10/025,958

**Examiner**

Jeffrey R. Jastrzab

**Applicant(s)**

GILKERSON ET AL.

**Art Unit**

3762

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the phone interview of 1/30/06.
2. ☒ The allowed claim(s) is/are 14-46.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/09/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marvin L. Beekman on 1/25/06 to bring non-elected/withdrawn claims into conformance with allowable claims.

The application has been amended as follows:

18. (Withdrawn-Currently Amended)      A programmer, comprising:

a selection module for receiving a selection of a clinical rhythm from a user, wherein the clinical rhythm is associated with at least one available detection enhancement that includes at least one parameter, ~~the at least one available detection enhancement being made available based on the selected clinical rhythm for selection by the user to add specifically for determining when to deliver shock therapy for the selected clinical rhythm,~~ wherein artificial intelligence ~~is adapted to select a detection enhancement from the at least one available detection enhancement, and to provide~~ provides a setting for the at least one parameter for the selected ~~at least one~~ detection enhancement, the selection module being adapted to receive a user provided selection of at least one other detection enhancement from the at least one available detection enhancement in place of the detection enhancement selected by the artificial intelligence;

a parameter modification module for receiving a user input to change the setting for the at least one parameter of the selected detected enhancement; and

a communication module for communicating with a pulse generator to program the pulse generator with the selected clinical rhythm and the associated at least one detection enhancement.

31. (Withdrawn-Currently Amended) A programmer for a user to program a pulse generator to detect a clinical rhythm and apply therapy for the detected clinical rhythm, comprising:

a communications module for communicating with the pulse generator;

control logic for programming the pulse generator using the communications module, wherein the control logic is adapted to program the pulse generator to detect and provide therapy for at least one clinical rhythm associated with one or more available detection enhancements, to program the pulse generator with at least one selected detection enhancement from the available detection enhancement enhancements associated with the at least one clinical rhythm, and to program the pulse generator with at least one parameter for the at least one detection enhancement; and

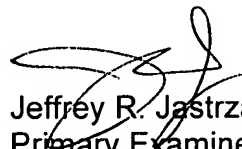
a display connected to the control logic to provide a number of screen displays used by a user to select the at least one clinical rhythm and modify the selection of select the at least one detection enhancement from a number of at least one preprogrammed detection enhancement to at least one other detection enhancement from the available detection enhancements associated with the at least one clinical rhythm.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Jastrzab whose telephone number is (571) 272-4947. The examiner can normally be reached on M-W 5:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey R. Jastrzab  
Primary Examiner  
Art Unit 3762

1/30/04